

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA)	
)	Criminal No.: 1:99-CR-098
v.)	
)	Filed: February 24, 1999
ECO-TECH, INC. and)	
HERBERT H. TIMMERMAN,)	Judge Tidwell
)	
Defendants.)	Violation: 15 U.S.C. § 1

INFORMATION

The United States of America, acting through its attorneys, charges:

I.

DESCRIPTION OF THE OFFENSE

1. ECO-TECH, INC. ("ECO-TECH") and HERBERT H. TIMMERMAN are made defendants on the charge stated below.
2. Beginning in or about July 1994 and continuing up to and including December 1996, the exact dates being unknown to the United States, in the Northern District of Georgia and elsewhere, the defendants and others entered into and engaged in a combination and conspiracy in unreasonable restraint of interstate trade and commerce, in violation of the Sherman Act, 15 U.S.C. § 1.
3. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendants, HERBERT H. TIMMERMAN and ECO-TECH, and their co-conspirators to rig bids for the sale of industrial valves (including large butterfly valves), filter equipment (including filter underdrains), and other materials to general

contractors bidding on the Etowah River Water Treatment Facility Improvements Project for the Cherokee County Water and Sewerage Authority in the Northern District of Georgia.

4. For the purpose of forming and carrying out the charged combination and conspiracy, the defendants and their co-conspirators did those things that they combined and conspired to do, including:

- a. discussing among themselves collusive bidding for the sale of equipment needed for the Etowah River Water Treatment Facility Improvements Project for the Cherokee County Water and Sewerage Authority to be bid by general contractors in August 1994;
- b. agreeing that a co-conspirator would not bid on the project in exchange for a payment of \$5,000;
- c. making arrangements by use of interstate telephone calls to make the payment of \$5,000 through a fraudulent transaction to conceal the payment;
- d. receiving through the arranged scheme the benefit of contracts for equipment for use in the Etowah River Water Treatment Facility Improvements Project in the amount of \$924,731;
- e. making the payment of \$5,000 to the co-conspirator through the arranged scheme after the awarding of contracts for equipment for use in the Etowah River Water Treatment Facility Improvements Project; and
- f. receiving payments in connection with the contracts for equipment for use in the Etowah River Water Treatment Facility Improvements Project.

II.

DEFENDANTS AND CO-CONSPIRATORS

5. ECO-TECH is a corporation organized and existing under the laws of the State of Georgia with its principal place of business in Holly Springs, Georgia. During the period covered by this Information, ECO-TECH was engaged in the business of selling water and wastewater treatment equipment. During the period covered by this Information, HERBERT H. TIMMERMAN was engaged in the business of selling water and wastewater treatment equipment in his capacity as owner and president of ECO-TECH.

6. Various corporations and individuals, not made defendants in this Information, participated as co-conspirators in the offense charged herein, and performed acts and made statements in furtherance thereof.

7. Whenever this Information refers to any act, deed, or transaction of any corporation, the allegation means that the corporation engaged in the act, deed, or transaction by or through its officers, directors, employees, agents, or other representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

III.

TRADE AND COMMERCE

8. During the period covered by this Information, the defendants and their co-conspirators purchased equipment, or arranged for the purchase of equipment, from manufacturers and suppliers located outside the State of Georgia and caused that equipment to be shipped across state lines for use in the Etowah River Water Treatment Facility Improvements

Project in the Northern District of Georgia to fulfill the contract awarded as a result of the offense charged herein.

9. The business activities of the defendants and their co-conspirators that are the subject of this Information were within the flow of, and substantially affected, interstate trade and commerce.

IV.

JURISDICTION AND VENUE

10. The conspiracy charged in this Information was carried out, in part, within the Northern District of Georgia, Atlanta Division, within the five years preceding the filing of this Information.

ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

Dated:

“/s/”
JOEL I. KLEIN
Assistant Attorney General

“/s/”
JOHN T. ORR
Chief, Atlanta Field Office

“/s/”
GARY R. SPRATLING
Deputy Assistant Attorney General

“/s/”
JOHN R. FITZPATRICK

“/s/”

JAMES M. GRIFFIN
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“/s/”

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